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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BONSHOCK, DENNIS G	
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DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,086

Applicant(s)

ROCKEY ET AL.

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-13,36-59 and 69-94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7,9-13,36-59 and 69-94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-13-06, 5-22-06</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **FINAL ACTION**

### ***Response to Amendment***

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Response filed 5-1-2006.

Claims 1-94 have been examined.

#### **Status of Claims:**

2. Claims 2, 5-7, 9-11, 36-40, 43, 46-48, 50-54, 59, 80, 81, 84-89, and 92-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Patent # 5,572,648 and Samar, patent # 6,563,514, hereinafter Samar.

3. Claims 3, 4, 12, 13, 41, 42, 45, 49, 56, 57, 82, 83, 90, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Samar, and Meyer et al., Patent # 5,742,504, hereinafter Meyer.

4. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Samar, and Powers, III et al., Patent # 5,602,996, hereinafter Powers.

5. Claims 69-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baer et al., Patent # 6,611,840, hereinafter Baer, Meyer, Bibayan, and Samar.

6. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Samar, and Baer.

7. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Samar, and Gayraud et al., Patent # 5,436,637, hereinafter Gayraud.

8. Claims 1, 8, 14-35, and 60-68 have been cancelled by the applicant.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 5-7, 9-11, 36-40, 43, 46-48, 50-54, 59, 80, 81, 84-89, and 92-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Patent # 5,572,648 and Samar, patent # 6,563,514, hereinafter Samar.

12. With regard to claim 6, which teaches automatically displaying at least one command on a display for the user based on the user's context, Bibayan teaches, in column 4, lines 45-65, the dynamic tool palette display altering its size, shape, and contents in accordance with the context of the currently operating applet. Bibayan further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. With regard to claim 6, further teaching determining a users context comprises ascertaining a position of a user's cursor with in a document provided by the application program, Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a

Art Unit: 2173

command, but doesn't specifically teach the position of the cursor alone determining the user context. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), but further teaches, in column 4, lines 39-45, the point of interest being determined by a pointer or cursor positioned by a user over the item of interest. Samar further teaches a further evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan and Samar before him at the time the invention was made to modify context sensitive display system of Bibayan to adapt based on a cursor position as did Samar. One would have been motivated to make such a combination because changing of the display based on the users cursor changes the item of focus without having to make a selection.

13. With regard to claim 2, which teaches automatically removing commands from the display responsive to a change in user context, Bibayan teaches, in column 5, line 45, that if tools are deemed not relevant then the display is modified to not include them.

14. With regard to claim 5, which teaches executing a command without requiring any action from a user other than selecting the command, Bibayan teaches, in column 4, line 53, an active toolbar where commands can be selected (executed) at any time.

Art Unit: 2173

15. With regard to claim 7, which teaches determining comprising ascertaining a user's selection within a document provided by the application program, Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command.

16. With regard to claim 9, which teaches the context pertaining to various tasks that the user may attempt to accomplish, Bibayan teaches, in column 5, line 2, the context modified with tool functions, which apply to the currently running folder.

17. With regard to claim 10, which teaches that the context pertains to one or more of: a type of document, and a state of a document, Bibayan teaches, in column 5, line 2, the context modified with tool functions which apply to the currently running folder.

18. With regard to claim 11, which teaches displaying being independent of a user selecting any displayed menu item, Bibayan teaches, in column 5, line 2, that modification is based on context changes.

19. With regard to claim 36, which teaches a method of exposing commands in a software application comprising; determining a user's context, Bibayan teaches, in column 1, lines 17-22, a display of a toolbar containing dynamic data that changes in accordance with the context of the environment or the currently operating application program. With regard to claim 36, which teaches determining comprising evaluating a portion of one or more expressions, expressions being associated with a context block, and defining a condition that describes one or more aspect of a user's interaction, Bibayan teaches, in column 2, lines 41-51, defining a context environment which creates data for a designated container, The method contains steps of executing to determine environment (similar to evaluating expressions), and modify with respect to

Art Unit: 2173

the context (the evaluation of the expressions). With regard to claim 36, further teaching automatically displaying at least one context block based on user context, Bibayan teaches, in column 5, line 2, modifying the toolbar when the context is modified. The context contains tool functions, which apply to the currently running folder. Bibayan further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), but further teaches a further evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan and Samar before him at the time the invention was made to modify the adaptive displayed elements of Bibayan, to be displayed selectively (on and individual basis), as did Samar. One would have been motivated to make such a combination because this provides a more adapted display.

Art Unit: 2173

20. With regard to claim 37, which teaches the expression evaluating to a Boolean value, Bibayan teaches, in column 4, line 66 through column 5, line 5, determining if the context modifies the toolbar or if it doesn't (much like a Boolean to modify? True or False).

21. With regard to claim 38, which teaches, that the context pertains to one or more of: a type of document, a state of a document, and a particular users selection, Bibayan teaches, in column 5, line 2, the context modified with tool functions which apply to the currently running folder.

22. With regard to claim 39, which teaches displaying comprising displaying a context block having a title bar area that labels the context block, Bibayan teaches, in figure 4, a context block that has a given title associated with it.

23. With regard to claim 40, which teaches the tile bar area configured to enable the context block to be toggled between expanded and collapsible states, Bibayan teaches, in figure 4 both the static and dynamic tool palettes being standard windows which have the functionality to be maximized, minimized, and closed.

24. With regard to claim 43, which teaches displaying a context block with a controls area that exposes the multiple commands to the user, Bibayan teaches, in column 5, line 2, determining whether to modify a tool display and displaying tool functions based on the context.

25. With regard to claim 46, which teaches a method of exposing commands in a software application program, comprising determining a users context, and displaying a dynamic toolbar based on the context, Bibayan teaches, in column 1, lines 17-22, a



Art Unit: 2173

display of a toolbar containing dynamic data that changes in accordance with the context of the environment or the currently operating application program. With regard to claim 46, further teaching determining the user context being independent of the selection of a menu item, Bibayan teaches, in column 4, lines 45-65, the display being dependent on the context of an applet, not dependent on the user selecting any displayed menu item. With regard to claim 46, further teaching that while the commands are displayed, allowing the user to select and apply various commands multiple times, Bibayan teaches, in column 4, line 53, the dynamic tool palette being always active, where the operator can select any one of the commands. Bibayan further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), but further teaches a further evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been

Art Unit: 2173

obvious to one of ordinary skill in the art, having the teachings of Bibayan and Samar before him at the time the invention was made to modify the adaptive displayed elements of Bibayan, to be displayed selectively (on and individual basis), as did Samar. One would have been motivated to make such a combination because this provides a more adapted display.

26. With regard to claim 47, which teaches applying one or more of select commands, when selected by the user without further interaction, Bibayan teaches, in column 4, line 53, the dynamic tool palette being always active, where the operator can select any one of the commands.

27. With regard to claim 48, which teaches displaying comprising displaying the commands responsive to the user selecting from a menu bar supported by automatically-appearing and disappearing context block that contains context-sensitive commands, Bibayan teaches, in column 5, lines 2-7 and lines 52-57, modifying the toolbar in response to a change in context, and a possible deletion of the toolbar.

28. With regard to claim 50, which teaches displaying comprises displaying the commands within a context pane having a title bar that labels the context pane and a controls area that exposes the commands to the user, Bibayan teaches, in column 5, line 2, and in figure 4, a dynamic toolbar which has separate title and tool sections.

29. With regard to claim 51, which teaches the context pane being non-collapsible, Bibayan teaches, in column 4, line 21, the user opening a context pane and a static pane by opening a specific application, therefor they are always displayed, the reference goes on the not specifically mention collapsing the context pane.

30. With regard to claim 52, which teaches that the context pane must be closed by the user, Bibayan teaches, in column 5, lines 52-57, that when all applets have been terminated the dynamic tool palette display can be terminated, as well.

31. With regard to claim 53, which teaches that the user requests the context pane be displayed, Bibayan teaches, in column 4, line 21, the user opens a context pane by opening a specific application.

32. With regard to claim 54, which teaches that some of the commands being context-sensitive and are disabled if they are out of context, Bibayan teaches, in column 5, line 45, that if tools are deemed not relevant then the display is modified to not include them.

33. With regard to claim 59, which teaches one or more computer readable instructions, which are executed by a computer, Bibayan teaches, in column 4, line 9, that the medium is a personal computer.

34. With regard to claim 80, which teaches, a method of exposing commands in a software application comprising: determining a users context by ascertaining a position of a user's cursor with in a document provided by the application program, Bibayan teaches, in column 4, lines 40-50, the user locating and initiating a command. With regard to claim 80, further teaching automatically displaying at least one command on a display for the user based on the user's context, Bibayan teaches, in column 4, lines 45-65, the dynamic tool palette display altering its size, shape, and contents in accordance with the context of the currently operating applet.

Art Unit: 2173

Bibayan further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), but further teaches a further evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan and Samar before him at the time the invention was made to modify the adaptive displayed elements of Bibayan, to be displayed selectively (on and individual basis), as did Samar. One would have been motivated to make such a combination because this provides a more adapted display.

35. With regard to claim 81 and 89, which teach automatically removing commands from the display responsive to a change in user context, Bibayan teaches, in column 5, line 45, that if tools are deemed not relevant then the display is modified to not include them.

Art Unit: 2173

36. With regard to claims 84 and 92, which teach executing a command without requiring any action from a user other than selecting the command, Bibayan teaches, in column 4, line 53, an active toolbar where commands can be selected (executed) at any time.

37. With regard to claims 85 and 93, which teach the context pertaining to various tasks that the user may attempt to accomplish, Bibayan teaches, in column 5, line 2, the context modified with tool functions, which apply to the currently running folder.

38. With regard to claims 86 and 94, which teach that the context pertains to one or more of: a type of document, and a state of a document, Bibayan teaches, in column 5, line 2, the context modified with tool functions which apply to the currently running folder.

39. With regard to claim 87, which teaches displaying being independent of a user selecting any displayed menu item, Bibayan teaches, in column 5, line 2, that modification is based on context changes.

40. With regard to claim 88, which teaches, a method of exposing commands in a software application comprising: determining a users context by ascertaining a position of a user's cursor with in a document provided by the application program, Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command. With regard to claim 88, further teaching automatically displaying at least one command on a display for the user based on the user's context, Bibayan teaches, in column 4, lines 45-65, the dynamic tool palette display altering its size, shape, and contents in accordance with the context of the currently operating applet. With regard to claim 88, further

Art Unit: 2173

teaching determining the user context being independent of the selection of a menu item, Bibayan teaches, in column 4, lines 45-65, the display being dependent on the context of an applet, not dependent on the user selecting any displayed menu item. Bibayan further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), but further teaches a further evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan and Samar before him at the time the invention was made to modify the adaptive displayed elements of Bibayan, to be displayed selectively (on and individual basis), as did Samar. One would have been motivated to make such a combination because this provides a more adapted display.

Art Unit: 2173

41. Claims 3, 4, 12, 13, 41, 42, 45, 49, 56, 57, 82, 83, 90, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Samar, and Meyer et al., Patent # 5,742,504, hereinafter Meyer.

42. With regard to claims 3 and 4, Bibayan and Samar teach a system for displaying a dynamic toolbar for an application program (see Bibayan, column 1, line 17), but doesn't teach it being a document-centric program, that displaying does not obscure the document in which the user is working, and that the command is displayed in a modeless fashion in which the user can continue to work in the document while the command is displayed. Meyer teaches a system for displaying a dynamic toolbar similar to that of Bibayan and Samar, but further teaches a document-centric format, and that displaying does not obscure a document (see figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and Meyer before him at the time the invention was made to modify the dynamic toolbar system of Bibayan and Samar to include the document-centric format and the display of this toolbar to be non-obtrusive, as did Meyer. One would have been motivated to make such a combination because having the ability to work with in a document while displaying all the toolbar options allows the user to use the toolbar options without obscuring the document.

43. With regard to claim 12, Bibayan teaches a system for determining a users context, displaying a dynamic toolbar for an application program (see column 1, line 17), automatically removing said command responsive to a change in context (see column 5, line 45), and the display being dependent on the context of an applet, not necessarily

Art Unit: 2173

dependent on the user selecting any displayed menu item (see column 1, lines 24-30, column 4, lines 45-65, and column 5, lines 19-32), but doesn't teach that the command is displayed in a modeless fashion in which the user can continue to work in the document while the command is displayed. Meyer teaches a system for displaying a dynamic toolbar similar to that of Bibayan, but further teaches the toolbar being displayed in a non-intrusive manner (see figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan and Meyer before him at the time the invention was made to modify the dynamic toolbar system of Bibayan to include the display of this toolbar to be non-intrusive, as did Meyer. One would have been motivated to make such a combination because having the ability to work within a document while displaying all the toolbar options allows the user to use the toolbar options without obscuring the document. Bibayan further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), but further teaches a further



Art Unit: 2173

evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Meyer, and Samar before him at the time the invention was made to modify the adaptive displayed elements of Bibayan and Meyer, to be displayed selectively (on and individual basis), as did Samar. One would have been motivated to make such a combination because this provides a more adapted display.

44. With regard to claim 13, which teaches determining comprises ascertaining a position of a user's cursor within a document provided by the application program and ascertaining a user's selection within a document provided by the application program Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command, but doesn't specifically teach the position of the cursor alone determining the user context. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides an additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), but further teaches, in column 4, lines 39-45, the point of interest being determined by a pointer or cursor positioned by a user over the item of interest. It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Meyer, and Samar before him at the time the invention was made to modify context sensitive display system of Bibayan and Meyer to adapt based on a cursor position as did Samar. One would have

been motivated to make such a combination because changing of the display based on the users cursor changes the item of focus without having to make a selection.

45. With regard to claim 41, Bibayan teaches a system for determining a users context, displaying a dynamic toolbar for an application program (see column 1, line 17), but doesn't teach a title bar area containing a display button configured to enable a menu associated with the context block. Meyer teaches a system for displaying a dynamic toolbar similar to that of Bibayan, but further teaches the toolbar containing a menu that is associated with a context block. It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and Meyer before him at the time the invention was made to modify dynamic toolbar system of Bibayan and Samar to include the display of this menu bar, as did Meyer. One would have been motivated to make such a combination because the use of a menu bar in a toolbar can add a sub-menu with added functionality.

46. With regard to claim 42, which teaches a menu button that contains links to one or more context panes, each comprising additional context sensitive information, Meyer further teaches, in column 4, line 64 through column 5, line 16, menu buttons that open additional context-sensitive panes.

47. With regard to claim 45, Bibayan teaches a system for determining a users context, displaying a dynamic toolbar for an application program (see column 1, line 17), and for automatically removing said command responsive to a change in context (see column 5, line 45), but doesn't teach that the command is displayed in a modeless fashion in which the user can continue to work in the document while the command is

Art Unit: 2173

displayed. Meyer teaches a system for displaying a dynamic toolbar similar to that of Bibayan, but further teaches the toolbar being displayed in a non-intrusive manner (see figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and Meyer before him at the time the invention was made to modify the dynamic toolbar system of Bibayan and Samar to include the display of this toolbar to be non-intrusive, as did Meyer. One would have been motivated to make such a combination because having the ability to work with in a document while displaying all the toolbar options allows the user to use the toolbar options without obscuring the document.

48. With regard to claim 49, Bibayan teaches, in column 1, lines 17-22, a display of a toolbar containing dynamically data in accordance with the context of the environment or the currently operating application program; however, he fails to teach displaying the commands in a modeless manner. Meyer teaches a system for displaying a dynamic toolbar similar to that of Bibayan and Samar, but further teaches displaying commands in a modeless manner (see figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and Meyer before him at the time the invention was made to modify the Dynamic toolbar system of Bibayan and Samar to include the display of this toolbar to be non-obtrusive, as did Meyer. One would have been motivated to make such a combination because having the ability to work with in a document while displaying all the toolbar options allows the user to use the toolbar options without obscuring the document.

Art Unit: 2173

49. With regard to claims 56 and 57, Bibayan teaches, in column 1, lines 17-22, a display of a toolbar containing dynamically data in accordance with the context of the environment or the currently operating application program, however, he fails to teach a help feature accessible via and icon on the title bar and this help being displayed in a modeless fashion. Meyer teaches a system for displaying a dynamic toolbar similar to that of Bibayan, but further teaches displaying a help command in a modeless fashion (see column 21, line 65 and figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and Meyer before him at the time the invention was made to modify the dynamic toolbar system of Bibayan and Samar to include the display of a help icon in the toolbar in a modeless fashion. One would have been motivated to make such a combination because having the ability to access a help command with out moving or minimizing screens has a time saving benefit.

50. With regard to claims 82, 83, 90, and 91, Bibayan teaches a system for displaying a dynamic toolbar for an application program (see column 1, line 17), but doesn't teach it being a document-centric program, that displaying does not obscure the document in which the user is working, and that the command is displayed in a modeless fashion in which the user can continue to work in the document while the command is displayed. Meyer teaches a system for displaying a dynamic toolbar similar to that of Bibayan and Samar, but further teaches a document-centric format, and that displaying does not obscure a document (see figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and

Art Unit: 2173

Meyer before him at the time the invention was made to modify the dynamic toolbar system of Bibayan and Samar to include the document-centric format and the display of this toolbar to be non-obtrusive, as did Meyer. One would have been motivated to make such a combination because having the ability to work with in a document while displaying all the toolbar options allows the user to use the toolbar options without obscuring the document.

51. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Samar, and Powers, III et al., Patent # 5,602,996, hereinafter Powers.

52. With regard to claim 58, Bibayan teaches, in column 1, lines 17-22, a display of a toolbar containing dynamic data in accordance with the context of the environment or the currently operating application program; however, he fails to teach multiple context panes stackable in a queue. Powers teaches a method of handling panes similar to that of Bibayan and Samar, but further teaches, in column 3, lines 9-35, overlapping windows that can contain button functions, layering on top of one another in which only the top window of the stack is active. It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and Powers before him at the time the invention was made to modify the display of toolbars containing dynamic data of Bibayan and Samar to contain the hierarchical organization as did Powers. One would have been motivated to make such a combination because ordering of window is important to make sure that secondary functions of a previous context are implemented before moving into a different context.

53. Claims 69-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baer et al., Patent # 6,611,840, hereinafter Baer, Meyer, Bibayan, and Samar.

54. With regard to claim 69, Baer teaches a computer system comprising a single application program comprising a single navigable window, further teaching multiple different functionalities to which the single navigable window can be navigated by a user (see figures 8-21, column 2, lines 14-21, column 45, lines 45-50, and column 49, lines 13-22), but doesn't teach a context sensitive command area for navigating the windows or a single application program configured to automatically change command sets that are presented to the user, or that commands are displayed independent of the user selecting a displayed menu item. Meyer teaches a dynamic windowing environment similar to that of Baer but further teaches, in column 21, line 65 through column 22, line 11, a context sensitive toolbar with volatile elements that only appear in specific context, and in column 21, line 65 through column 22, line 60, that volatile buttons, that appear only in a specific context, are linked to a specific window or sub window that is visible and no where states that it is dependent on a selection of a menu item. It would have been obvious to one of ordinary skill in the art, having the teachings of Baer and Meyer before him at the time the invention was made to modify the windowing environment of Baer to include the dynamic command areas as did Meyer, and the displayed commands being dependent on the specific context of the window (see column 21, line 65 through column 22, line 11). One would have been motivated to make such a combination because dynamic command areas provide useful functions that can be

Art Unit: 2173

performed on the live document, while omitting non-applicable tools. Baer and Meyer, however don't specifically teach a tree based visibility expression that defines conditions of interaction. Bibayan teaches a system in which a adaptive display is provided to a user to supply context sensitive material to the user (see column 1, lines 50-63, column 2, lines 12-22, and column 4, lines 45-55), similar to that of Baer and Meyer, but further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), similar to that of Baer, Meyer, and Bibayan, but further teaches a further evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Baer, Meyer, Bibayan, and Samar before him at the time the invention was made to modify the adaptive displayed elements of Baer, Meyer, and Bibayan, to

Art Unit: 2173

be displayed selectively (on and individual basis), as did Samar. One would have been motivated to make such a combination because this provides a more adapted display.

55. With regard to claim 70, which teaches the single application program configured to provide navigation instrumentalities associated with the window, and these functionalities being configured for use, Baer further teaches in figures 8-21, navigating between different functionalities through the use of navigation buttons such as HOME, REGISTER LOGIN, LIBRARY, and HELP.

56. With regard to claim 71, which teaches that the navigation instrumentalities comprises links associated with each different functionalities, Baer further teaches in figures 8-21, navigating between different functionalities through the use of navigation buttons which contain links to different pages such as HOME, REGISTER LOGIN, LIBRARY, and HELP.

57. With regard to claim 72, which teaches one of the navigation instrumentalities comprising browser-like navigation buttons to navigate a window between different functionalities, Baer teaches, in figures 8-21 and in column 2, lines 14-21, a web based browser system, having embedded links to related pages.

58. With regard to claim 73, which teaches multiple different functionalities comprising document-centric functionalities, Baer teaches, in figures 8-21 and in column 2, lines 14-21, a web based browser system, which is document centered.

59. With regard to claim 74, Baer teaches a computer system comprising a single application program, further teaching multiple different functionalities to which the single navigable window can be navigated by a user (see figures 8-21, column 2, lines 14-21,



Art Unit: 2173

column 45, lines 45-50, and column 49, lines 13-22) and incorporating different functionalities in an extensible manner so that the user can use the single navigable window to navigate to the different functionalities (see figures 8-21 column 45, lines 45-50, and column 49, lines 13-22), but doesn't teach a context sensitive command area for navigating the windows or a single application program configured to automatically change command sets that are presented to the user, or a toolbar that is context sensitive and not dependent on a menu selection. Meyer teaches a dynamic windowing environment similar to that of Baer but further teaches, in column 21, line 65 through column 22, line 11, a context sensitive toolbar with volatile elements that only appear in specific context, and the displayed commands being dependent on the specific context of the window, not a menu selection (see column 21, line 65 through column 22, line 11). It would have been obvious to one of ordinary skill in the art, having the teachings of Baer and Meyer before him at the time the invention was made to modify the windowing environment of Baer to include the dynamic command areas as did Meyer. One would have been motivated to make such a combination because dynamic command areas provide useful functions that can be preformed on the live document, while omitting none applicable tools. Baer and Meyer, however don't specifically teach a tree based visibility expression that defines conditions of interaction. Bibayan teaches a system in which a adaptive display is provided to a user to supply context sensitive material to the user (see column 1, lines 50-63, column 2, lines 12-22, and column 4, lines 45-55), similar to that of Baer and Meyer, but further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of

elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides an additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), similar to that of Baer, Meyer, and Bibayan, but further teaches a further evaluation of a tree structure for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Baer, Meyer, Bibayan, and Samar before him at the time the invention was made to modify the adaptive displayed elements of Baer, Meyer, and Bibayan, to be displayed selectively (on an individual basis), as did Samar. One would have been motivated to make such a combination because this provides a more adapted display.

60. With regard to claim 75, which teaches the single application program configured to provide navigation instrumentalities associated with the window, and these functionalities being configured for use, Baer further teaches in figures 8-21, navigating between different functionalities through the use of navigation buttons such as HOME, REGISTER LOGIN, LIBRARY, and HELP.

61. With regard to claim 76, which teaches that the navigation instrumentalities comprise links associated with each different functionalities, Baer further teaches in figures 8-21, navigating between different functionalities through the use of navigation buttons which contain links to different pages such as HOME, REGISTER LOGIN, LIBRARY, and HELP.

62. With regard to claim 77, which teaches one of the navigation instrumentalities comprising browser-like navigation buttons to navigate a window between different functionalities, Baer teaches, in figures 8-21 and in column 2, lines 14-21, a web based browser system, having embedded links to related pages.

63. With regard to claim 78, Baer teaches a computer method, further teaching multiple different functionalities to which the single navigable window can be navigated by a user (see figures 8-21, column 2, lines 14-21, column 45, lines 45-50, and column 49, lines 13-22), receiving user input to indicate a selection of a particular functionality (see column 45, line 51), and incorporating different functionalities in an extensible manner so that the user can use the single navigable window to navigate to the different functionalities (see figures 8-21 column 45, lines 45-50, and column 49, lines 13-22), but doesn't teach a context sensitive command area for navigating the windows or a single application program configured to automatically change command sets that are presented to the user, or that commands are displayed independent of the user selecting a displayed menu item. Meyer teaches a dynamic windowing environment similar to that of Baer but further teaches, in column 21, line 65 through column 22, line 11, a context sensitive toolbar with volatile elements that only appear in specific context,

Art Unit: 2173

and the displayed commands being dependent on the specific context of the window (see column 21, line 65 through column 22, line 11). It would have been obvious to one of ordinary skill in the art, having the teachings of Baer and Meyer before him at the time the invention was made to modify the windowing environment of Baer to include the dynamic command areas as did Meyer. One would have been motivated to make such a combination because dynamic command areas provide useful functions that can be preformed on the live document, while omitting none applicable tools. Baer and Meyer, however don't specifically teach a tree based visibility expression that defines conditions of interaction. Bibayan teaches a system in which a adaptive display is provided to a user to supply context sensitive material to the user (see column 1, lines 50-63, column 2, lines 12-22, and column 4, lines 45-55), similar to that of Baer and Meyer, but further teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), similar to that of Baer, Meyer, and Bibayan, but further teaches a further evaluation of a tree structure

Art Unit: 2173

for each particular item a user hovers over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56). It would have been obvious to one of ordinary skill in the art, having the teachings of Baer, Meyer, Bibayan, and Samar before him at the time the invention was made to modify the adaptive displayed elements of Baer, Meyer, and Bibayan, to be displayed selectively (on and individual basis), as did Samar. One would have been motivated to make such a combination because this provides a more adapted display.

64. With regard to claim 79, which teaches automatically removing said a least one command from the display responsive to change in the user's context, Mayer further teaches, in column 22, line 5, volatile buttons appearing only in specific contexts.

65. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Samar, and Baer.

66. With regard to claim 44, Bibayan and Samar teach a method of displaying dynamic toolbars responsive to user context, but doesn't teach a command display being defined in HTML. Baer teaches a windowing environment similar to that of Bibayan and Samar, but further teaches, the system being Internet based (HTML). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and Baer before him at the time the invention was made to modify the dynamic toolbars of Bibayan to be used in an Internet environment. One would have been motivated to make such a combination because use of the dynamic toolbar in a browser will allow for easier navigation through the Internet.

67. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bibayan, Samar, and Gayraud et al., Patent # 5,436,637, hereinafter Gayraud.

68. With regard to claim 55, Bibayan and Samar teach a method of displaying dynamic toolbars responsive to user context, but doesn't teach context panes including context sensitive information. Gayraud teaches a windowing environment similar to that of Bibayan and Samar, but further teaches, a help feature for toolbars in which info is displayed when a users mouse moves over an icon (see column 3, lines 45-55). It would have been obvious to one of ordinary skill in the art, having the teachings of Bibayan, Samar, and Gayraud before him at the time the invention was made to modify the method of displaying dynamic toolbars of Bibayan and Samar to include the help feature of Gayraud. One would have been motivated to make such a combination because hints for tools can help a user to be able to make sense of a complex set of toolbar icons.

### ***Response to Arguments***

69. The arguments filed on 5-1-2006 have been fully considered but they are not persuasive. Reasons set forth below.

70. The applicants' argue that there is no motivation to combine the Bibayan and Samar references.

71. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

72. To further response to applicant's argument the examiner respectfully submits that Bibayan and Samar teach similar dynamic toolbars that change their contents based on the current context of the mouse position. Such a current context determination frequently done in the art by recognizing a change in the active window, initiated by a mouse selection, or a mouse over of a particular element.

Specifically:

- Bibayan teaches a "dynamic tool palette" that adds and subtracts elements to change the display in accordance with the current context environment (see column 1, lines 14-21 and column 2, lines 12-22).

- Samar teaches a menu of related items is presented to a user based on the current context of a screen pointer (see column 4, lines 39-45 and column 9, lines 30-35).

73. The applicants' argue that the office has failed to establish a *prima facie* case of obviousness with respect to this claim and the combination of these references fails to teach all of the claim's recited features.

74. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bibayan teaches a tree based visibility expression in figure 5, and in column 5, lines 19-56, where the addition and deletion of elements to the display is effected by user interaction with the system, and the corresponding route being followed in the tree to determine if a particular element should be added to the display or removed from the display. Bibayan teaches, in column 4, lines 40-44, the user locating and initiating a command where a tree is evaluated to determine what items should be added or deleted, but doesn't specifically (or at least as clear as Samar) teach evaluation for each individual expression. Samar teaches a system in which users selection of a particular display cause context evaluation and further provides and additional display to a user (see column 4, lines 39-45, column 9, lines 30-34, and figures 6a and 6b), but further teaches a further evaluation of a tree structure for each particular item a user hovers



Art Unit: 2173

over on the display, displaying the particular item should the user hover over it for a specified period of time (see figure 4, and column 5, lines 15-56).

75. This particular display of Bibayan and Samar is in the form of a decision tree used to evaluate when items need to be visually added to the display or visually removed from the display.

### ***Conclusion***

76. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

77. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


78. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

Art Unit: 2173

79. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

80. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6-27-06  
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